

### Remarks

In response to the Office Action dated November 9, 2011, Applicant submits the following remarks. Claims 54 and 56-73 remain pending in the present application. Claims 54, 61, 63, 65, 68, 69, 71 and 73 have been amended. No new matter was added. Reexamination and reconsideration of claims 54 and 56-73 is respectfully requested in view of the remarks that follow.

#### **Claim Rejections - 35 U.S.C. § 102**

In section 4, claims 54, 56-59, 62, 64 and 68-70 were again rejected under 35 U.S.C. 102(e) as being anticipated by Bohannon (US 6,847,856).

As an initial matter, Applicant appreciates the detailed Response to Arguments provided in the Office Action. In an effort to further distinguish the claims from the cited references, independent claims claim 54, 63, 65 and 68 have been further amended. Dependent claims have also been amended to maintain proper antecedent basis.

Referring now to amended claim 54, the claim is now directed to a method for use with at least a first network enabled resource and a second network enabled resource (see paragraph 0062) to be arranged to perform a process within a space, the first resource and the second resource each comprising an automation device capable of performing an automation function during the process (see paragraph 0065). In addition, claim 54 now calls for, among other things, providing a first network address for the first resource and a second network address for the second resource (see paragraph 0075); providing a spatial rule set (see paragraph 0151) including rules that indicate probable relative first and second resource positions; and specifying that the first resource communicates with the second resource by including the second network address when communicating (see paragraph 0075).

In considering the office action's response to arguments, and further review of Bohannon, it is clear that Bohannon fails to teach or suggest a method as claimed.

Specifically, the claim defines a network enabled resource as an automation device capable of performing an automation function during the process. In addition,

when the first resource communicates with the second resource, the first resource includes the second network address when communicating. As described in the Response to Arguments at page 4, Bohannon teaches the use of RFID tags attached to components. Sensors are used to identify the location of the RFID tags, and then the identified locations are compared to a database to determine if a desired proximity is achieved.

First, the Applicant respectfully asserts that one of skill in the art would not consider an RFID tag to be a network enabled resource - i.e., an automation device capable of performing an automation function during an automation process. Bohannon's RFID tags are not coupled to a network, and they provide nothing more than a dedicated function of transmitting data from the tag to a sensor. In addition, Bohannon fails to teach where a first RFID tag communicates with a second RFID tag, or a sensor, by using a network address of the second RFID tag, or sensor, when communicating. Although an RFID tag may include an identification number that may be queried by a tag reader, again, one of skill in the art would not consider transmission of an identification number when queried by a tag reader to be communication using a network address.

For at least the above reasons, claim 54 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

Amended claim 68 also has similarly been amended to include network enabled resources, where the plurality of resources each comprising an automation device capable of performing an automation function during the process. In addition, the claim calls for a first resource that includes the processor, where the first resource automatically perform the steps of: (i) identifying the resources to be positioned within the sub-space; (ii) identifying the tags associated with the resources; and (iii) indicating the tags associated with the resources.

For at least the reasons discussed above for claim 54, Applicant asserts that claim 68 and claims that depend there from are patentable over the cited references. In addition, as described in the Response to Arguments on page 6, Bohannon teaches a computing system with a database that runs a process. The claim calls for a network enabled resource to perform the process, and, at least a first resource includes the processor.

Furthermore, the use of "tags" appears to be associated with "RFID tag." The claim calls for at least one of a program input tag and a program output tag. Tag, as described in the specification in detail at at least paragraphs 0095-0098 is a descriptive attribute used by the program to provide information about the device, where, in comparison, the RFID tag is a physical device. Clearly, none of Bohannon's "resources" automatically perform the steps as defined above, including identifying tags associated with the resources.

For at least the above reasons, claim 68 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

In section 5, claims 54, 56-59, 62, 64 and 68 were rejected under 35 U.S.C. 102(e) as being anticipated by Lemelson et al., (US Pub. 2003/0208302).

The Applicant's position regarding the patentability of the claims with regard to Bohannon are generally the same as with regard to Lemelson. Referring now to amended claim 54, the claim is now directed to a method for use with at least a first network enabled resource and a second network enabled resource to be arranged to perform a process within a space, the first resource and the second resource each comprising an automation device capable of performing an automation function during the process. In addition, claim 54 now calls for, among other things, providing a first network address for the first resource and a second network address for the second resource; providing a spatial rule set including rules that indicate probable relative first

and second resource positions; and specifying that the first resource communicates with the second resource by including the second network address when communicating.

In considering the office action's response to arguments, and further review of Lemelson, it is clear that Lemelson also fails to teach or suggest a method as claimed.

Specifically, the claim defines a network enabled resource as an automation device capable of performing an automation function during the process. In addition, when the first resource communicates with the second resource, the first resource includes the second network address when communicating. As described in the Response to Arguments at page 9, "The resources are arranged to perform a process (some sort of task, that requires one resource to be positioned near another).

The Applicant respectfully asserts that one of skill in the art would not consider a GPS satellite to be a network enabled resource - i.e., an automation device capable of performing an automation function during an automation process. Lemelson's GPS satellite is not an automation device and it does not perform an automation function during the process. Similarly, Lemelson's marker's are not network enabled resources, as now defined in the claims.

For at least the above reasons, claim 54 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

Amended claim 68 also has similarly been amended to include network enabled resources, where the plurality of resources each comprising an automation device capable of performing an automation function during the process. In addition, the claim calls for a first resource that includes the processor, where the first resource automatically perform the steps of: (i) identifying the resources to be positioned within the sub-space; (ii) identifying the tags associated with the resources; and (iii) indicating the tags associated with the resources.

For at least the reasons discussed above for claim 54, Applicant asserts that claim 68 and claims that depend there from are patentable over the cited references. In

addition, Lemelson teaches a controller governing a manufacturing process (at paragraph 0023). The claim calls for a network enabled resource to perform the process, and, at least a first resource includes the processor.

Furthermore, the claim calls for the program including at least one of a program input tag and a program output tag. Tag, as described in the specification in detail at at least paragraphs 0095-0098 is a descriptive attribute used by the program to provide information about the device. In the rejection, paragraphs 19, 20 ,and 27 are the only paragraphs cited for claim elements including the tags. A thorough review of Lemelson, and specifically these paragraphs, does not appear to describe anything similar to a program input tag or a program output tag, nor does Lemelson describe where one of the resources (which includes the processor and is running the program to control the process), automatically performs any of the steps claimed, and especially, identifying the tags associated with the resources.

For at least the above reasons, claim 68 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

In section 8, claims 61, 63 and 65-67 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al., (US Pub. 2003/0208302), and further in view of Baker (WO 01/82032).

Similar to claims 54 and 68, claims 63 and 65 have been amended to include network enabled resources, where the first resource and the second resource each comprising an automation device capable of performing an automation function during the process. In addition, the claim calls for resources that communicate with each other and include a network address when communicating.

Specifically, the claims define a network enabled resource as an automation device capable of performing an automation function during the process. In addition, when the first resource communicates with the second resource, the first resource includes the second network address when communicating. The Applicant respectfully

asserts that one of skill in the art would not consider a GPS satellite to be a network enabled resource - i.e., an automation device capable of performing an automation function during an automation process. Lemelson's GPS satellite is not an automation device and it does not perform an automation function during the process. Similarly, Lemelson's marker's are not network enabled resources, as now defined in the claims. The secondary reference, Baker, fails to teach what Lemelson lacks.

For at least the above reasons, claims 63 and 65 and claims that depend there from are patentable over the cited references and Applicant requests that the current rejections be withdrawn.

### **Conclusion**

For at least these reasons, Applicant requests that the Examiner withdraw the current rejections of claims 54, 63, 65 and 68 and claims that depend there from. Applicant believes the amended set of claims recites patentable subject matter and allowance of the same is requested.

A one month extension fee is being paid in conjunction with this response. Although no additional fees are believed due for filing this response, however, please charge any fees that may be due, or credit any overpayment, to Deposit Account No. 17-0055.

Respectfully submitted,

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